

CITY COUNCIL AGENDA

MARCH 7, 2006

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
MADISON P. NGUYEN
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:34 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
Absent Council Members: Cortese. (Excused)

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.

7:10 p.m.- Public Hearings, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 3)**
Reverend Gerald Sakamoto from the San José Buddhist Church Betsuin.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Items 11.5 and 11.10 continued to 3/21/06.

1. CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to the San José Junior Sharks in recognition of their outstanding success. (Chavez)
(Deferred from 2/14/06 – Item 1.3)
To be heard in the Evening.
Dropped.

1. CEREMONIAL ITEMS

- 1.2 Presentation of Neighborhood Improvement Awards. (Parks, Recreation and Neighborhood Services)
To be heard in the Evening.
Mayor Gonzales and Margaret Wagenet, San José Beautiful, recognized the North Willow Glen Neighborhood Association, Santa Teresa Foothills Neighborhood Association, Palm Haven Restoration Committee, Tully Senter SNI NAC and Residents, Thor and Jan Wiles, College Park Neighborhood Association, and Sierramont Middle School, as recipients of the “Neighborhood Improvement Awards.
- 1.3 Swearing in ceremony for District 10 Youth Commissioner. (City Clerk)
To be heard in the Evening.
Deferred to 3/21/06.
- 1.4 Presentation of a commendation to InnVision Chief Operating Officer Christine Burroughs on the occasion of her retirement and for her meritorious service and devotion to supporting families and individuals to find their way home. (Cortese)
(Rules Committee referral 2/22/06)
To be heard in the Evening.
Mayor Gonzales and Council Member Cortese recognized and commended Chief Operating Officer Christine Burroughs, InnVision, on occasion of her retirement.
- 1.5 Presentation of a commendation to Ken Kelly for his exemplary dedication and invaluable contributions to the San José community. (LeZotte/Mayor)
(Rules Committee referral 3/1/06)
Mayor Gonzales and Council Member LeZotte recognized and commended Mr. Ken Kelly for his outstanding dedication and important contributions to the City of San José.
- 1.6 Presentation of a commendation to Cathy Morrey for her exemplary dedication and invaluable contributions to the City organization. (City Manager/Mayor)
(Rules Committee referral 3/1/06)
Mayor Gonzales and City Manager Les White recognized and commended Ms. Cathy Morrey for her commendable dedication and invaluable contributions to the City of San José.
- 1.7 Presentation of a commendation to MAI Rose Industries for its important contribution to the San José economy. (Mayor/Reed)
(Rules Committee referral 3/1/06)
Mayor Gonzales and Council Member Reed recognized and commended MAI Rose Industries for its significant contributions to the San José economy.

1. CEREMONIAL ITEMS

- 1.8** Presentation of commendations to the Willow Glen Neighborhood Association for their exemplary dedication and invaluable contributions to the San José community.
(Yeager/Mayor)
(Rules Committee referral 3/1/06)
To be heard in the Evening.
Mayor Gonzales and Council Member Yeager recognized and commended the Willow Glen Neighborhood Association for their outstanding dedication and important contributions to the San José community.
- 1.9** Presentation of a commendation to the California Quake, for winning the Quake Shake & Bake 2006 Wheelchair Rugby Invitational. (LeZotte)
(Rules Committee referral 3/1/06)
To be heard in the Evening.
Mayor Gonzales and Council Member LeZotte recognized and commended California Quake for winning the “Shake & Bake 2006 Wheelchair Rugby Invitational”.
- 1.10** Presentation of a commendation to Irene Dalis, founder and General Director of Opera San José, in recognition of her extraordinary and lasting contributions to the cultural vibrancy of the San José community. (Yeager)
(Rules Committee referral 3/1/06)
To be heard in the Evening.
Dropped.
- 1.11** Presentation of a commendation to Felton Owens for his 34 years of service to the East Side Union High School District and for his dedication and effort toward community improvement. (Cortese)
To be heard in the Evening.
Mayor Gonzales, Council Members Cortese and Campos recognized and commended Mr. Felton Owens for 34 years of dedicated service to the East Side Union High School District and community improvement.
- 1.12** Presentation of a commendation to Nancy Finkeldei, for her excellent work in her community and dedication with SNI, NAC, and the Weed and Seed Program. (Cortese)
Mayor Gonzales and Council Member Cortese recognized and commended Ms. Nancy Finkeldei for her outstanding work in the community of San José.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular minutes of June 7, 2005.
- (b) Special minutes of June 13, 2005.
- (c) Regular minutes of June 14, 2005.
- (d) Regular minutes of June 21, 2005.
- (e) Joint San José Financing Authority minutes of June 21, 2005.
- (f) Regular minutes of June 28, 2005.

Approved.

2.2 Final adoption of ordinances.

There were none.

2.3 Approval to amend an agreement related to the Airport's Acoustical Treatment Program.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a third amendment to the agreement with Corlett, Skaer & DeVoto Architects, Inc. for consultant services related to noise attenuation of properties located within the Noise Impact Area, modifying the compensation provisions for reimbursable expenses and defining the consultant services to be provided to the Department of Public Works for acoustical treatment of homes impacted by Public Works road projects, increasing the maximum compensation by \$465,108 from \$7,330,066 to a not to exceed amount of \$7,795,174, and extending the term from June 30, 2007 to June 30, 2008.

CEQA: Resolution Nos. 67380 and 71451, PP 05-283; PP03-06-209. (Airport)

Resolution No. 73086 adopted.

2.4 Rejection of bids for the purchase of Police Vehicles.

Recommendation: Rejection of all bids for the purchase of Chevrolet Impala Police Vehicles for the General Services Department/Fleet Management Division and authorization to the Director of Finance to re-solicit the Request for Bid. CEQA: Not a Project. (Finance)

Approved.

2.5 Approval to vacate an alley located at 671 S. 11th Street.

Recommendation: Adoption of a resolution summarily vacating a portion of the alley lying at the rear yard of 671 South 11th Street. CEQA: Exempt, PDC00-115. Council District: 3. (Public Works)

Resolution No. 73087 adopted.

2. CONSENT CALENDAR

2.6 Approval to set a Public Hearing to establish an Underground Utility District along Naglee Avenue.

Recommendation: Adoption of a resolution to consider the establishment of a Rule 20A Underground Utility District along Naglee Avenue between Bascom Avenue and Park Avenue and along Park Avenue between Naglee Avenue and Hanchett Avenue, setting a public hearing on March 28, 2006, at 1:30 p.m. CEQA: Exempt, PP06-002. Council District: 6. (Public Works)

Resolution No.73088 adopted.

2.7 Approval to submit a grant application for the 2006 Justice Assistance Grant.

Recommendation: Adoption of a resolution to:

- (a) Join with the County of Santa Clara and five other cities in applying for the U.S. Department of Justice FY 2006 Edward Byrne Memorial Justice Assistance Grant (JAG); and,
 - (b) Accept the grant, if awarded; and authorize the City Manager to execute all related grant agreements with the County of Santa Clara including a Memorandum of Understanding with the other participating jurisdictions.
- (Police)

Resolution No. 73089 adopted.

2.8 Approval of Mayor Gonzales' travel.

Recommendation: Approval of Mayor Gonzales' travel to Washington, D.C., March 8 through March 10, 2006 to attend an award presentation from Partnership for Livable Communities. Funding Source: Mayor's Office. (Mayor)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

- (a) 2005-2006 Proposed Operating Budget Study Sessions dated May 9-18, 2005.
Deferred to 3/14/06.

- (b) Evergreen Visioning Plan Study Session dated June 8, 2005.
Accepted, with a minor correction.
Noes: LeZotte.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 22, 2006

Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review March 7, 2006 Draft Council Agenda
The Committee recommended approval of the March 7, 2006 Draft City Council Agenda with two additions.
 - (2) Add New Items to February 28, 2006 Council Agenda
The Committee recommended approval of the February 28, 2006 City Council Agenda with two additions.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's Report.
- (c) Legislative Update
 - (1) State
 - (a) Statewide Infrastructure Bonds: Transportation and Proposition 42
This item was reported at the February 28, 2006 City Council Meeting, Item 3.2(c)(1)(a).
 - (b) Statewide Infrastructure Bonds: Affordable Housing
This item was reported at the February 28, 2006 City Council Meeting, Item 3.2(c)(1)(b).
 - (2) Federal
There was no report.
- (d) Meeting Schedules
The Committee agreed to reschedule the Ballpark Study Session from March 2, 2006 to March 1, 2006, from 9:00 a.m. to Noon.
- (e) The Public Record
There were no public record items this week.
- (f) Appointments to Boards, Commissions and Committees
 - (1) Recommend four Council Member appointments to Project Diversity Screening Committee
The Committee recommended appointment of Michael Leung, Mike Gallagher, Rick Partridge and Isaiah White the Project Diversity Screening Committee. The Committee forwarded the recommended nomination of Dahlia Eltoumi to the Mayor.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – February 22, 2006 (Cont'd.)

Vice Mayor Chavez, Chair

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Report on Cellular Communication Coverage at City Hall
(Deferred from 2/15/06 Rules Committee)

The Committee accepted the Status Report and recommended that Staff report back to the Rules Committee after the Request for Information (RFI) on relevant products that may be utilized to improve cellular reception within the building and garage is completed. The RFI is due to the City on March 6, 2006.

(2) Addition of Redevelopment Agency Disposition and Development Agreements to the City Auditor's 2005-2006 Work Plan

The Committee recommended the addition of audits of the Redevelopment Agency Disposition and Development Agreements.

(h) Open Forum

There were none presented.

(i) Adjournment

The meeting was adjourned at 2:25 p.m.

The Report of the Rules Committee and the Actions of February 22, 2006, were accepted.

3.3 Report of the Making Government Work Better Committee

Council Member Reed, Chair

No Report.

3.4 Acceptance of status report on discussions with AT&T (SBC) regarding Project Lightspeed.

Recommendation: Acceptance of status report on discussions with AT&T (SBC) regarding Project Lightspeed. CEQA: Not a Project. (City Manager's Office/Public Works)

(Deferred from 2/28/06 – Item 3.4)

Deferred to 3/14/06.

3. STRATEGIC SUPPORT SERVICES

3.5 Discussion of required additional disclosures with regard to lobbyist fundraising activities.

Recommendation: Discussion of required additional disclosures with regard to lobbyist fundraising activities, consideration of approval of an ordinance amending Chapter 12.12 of Title 12 of the San José Municipal Code (the Lobbying Ordinance) regarding fundraising and contributions, and direction to the City Attorney, as appropriate. (City Attorney)

(Rules Committee referral 2/15/06)

Ordinance No. 27667 passed for publication.

Noes: Campos, Williams.

3.6 Status Report on the City's Gift Ordinance and discussion.

Recommendation: Acceptance of the Status Report on the City's Gift Ordinance, discussion of changes to be consistent with State Law, and direction to the City Attorney, as appropriate. (City Attorney)

Status Report Accepted. City Attorney to bring back an amendment to the Gift Ordinance exception for "informational material".

3.7 Discussion of City Council Obligation to Disclose Material Facts and for Changing Closed Session Procedure.

Recommendation: Discussion of City Council obligation to disclose material facts and for changing Closed Session procedure; and direction to the City Attorney, as appropriate. (City Attorney)

Report and recommendations accepted with direction to the City Attorney to bring back for Council's consideration a Council Policy that addresses "material facts".

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – February 23, 2006 Council Member Chirco, Chair

- (a) Parkland Dedication Ordinance and Park Impact Ordinance Follow Up Discussion
This item was deferred to the Committee meeting of April 17, 2006.
- (b) Strong Neighborhoods Initiative 5-Year Summit Update
The Committee accepted the staff report with Staff requested to provide an update at the Committee meeting of March 20, 2006.
- (c) Public Outreach Policy Report
The Committee accepted the staff report with Staff requested to return to the Committee with an expansion of the Public Outreach Policy and to include a section on infrastructure problems.
- (d) Downtown Clean Up Efforts
Dropped.
- (e) Oral Petitions
There were none presented.
- (f) Adjournment
The meeting was adjourned at 2:05 p.m.

The Building Strong Neighborhoods Committee Report and the Actions of February 23, 2006, were accepted.

4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair No Report.

4.3 Acceptance of report and discussion related to the Small Business Ambassador Program.

Recommendation: Acceptance of report and discussion on the accomplishments and activities for the Small Business Ambassador Program, the City's recently initiated program to assist small businesses through the development review and permitting process. CEQA: Not a Project. (Planning, Building and Code Enforcement)
[Driving a Strong Economy Committee, 1/30/06 – Item 4.2a]
Report Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.4 Approval to appoint individuals to the San José Medical Center Stakeholder Advisory Committee recommending guidelines.

Recommendation: City Council appointment of specific individuals to the Stakeholder Advisory Committee for the San José Medical Center Land Use-Healthcare Study using recommended guidelines in order to maintain manageability and ensure diverse representation. CEQA: Not a Project. SNI: 13th Street. Council District 3. (Planning, Building and Code Enforcement)

(Deferred from 2/7/06 – Item 4.3 and 2/14/06 – Item 4.3 and 2/28/06 – Item 4.3)

To be heard in the Evening.

Deferred to 3/21/06.

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.

5.2 Approval of actions related to the Boys and Girls Club of Silicon Valley.

Recommendation: Approval of the following recommendations as an option to assist the Boys & Girls Club in gaining financial stability:

- (a) That the Boys and Girls Club initiate restructuring efforts consistent with United Way strategies that will increase the agency's ability to reduce its operating deficit by closing the Japantown clubhouse.
- (b) Authorization to the Director of Parks, Recreation and Neighborhood Services to negotiate with Boys and Girls Club to assume the operation of the afterschool and summer programming at Empire Gardens Elementary School in an amount not to exceed \$100,000.

CEQA: Not a Project. Council Districts 2, 3, and 8. (Parks, Recreation and Neighborhood Services)

(Deferred from 2/14/06 – Item 5.2 and 2/28/06 – Item 5.3)

- (1) **Approval to NOT proceed with the real estate change between the City of San José and the Boys and Girls Club of Silicon Valley, at this time.**
- (2) **Adopt a resolution authorizing the City Manager to negotiate and execute options for the Boys and Girls Club to reorganize operations, including temporarily vacating the Japantown site; to seek appropriate locations and appropriate programming including, outreach to the surrounding areas.**
- (3) **Delete the reoccupation component.**
- (4) **Staff to work with Boys and Girls Club Executive Director Steve Tedesco to establish a fund development plan and staffing plan, to obtain feedback from the National Office and define the role of the Board.**

5. NEIGHBORHOOD SERVICES

5.2 Approval of actions related to the Boys and Girls Club of Silicon Valley (Cont'd.)

- (4) Staff to report back on options for the new Japantown facility.**
- (5) Staff to continue to work with the Boys and Girls Club on other options.**
- (6) Staff to report back in three weeks.**

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair No Report.

6.2 Approval of various actions related to the Airport Terminal Area Improvement Program.

Recommendation:

- (a) Approval of Request for Proposals and the criteria and process by which the City shall select a design-build entity for the Norman Y. Mineta San José International Airport Terminal Area Improvement Program.
Approved.**
- (b) Adoption of a Resolution:**
 - (1) Finding that the cost of the proposed design-build contract for the Terminal Area Improvement Program is likely to exceed \$5,000,000, and that the design-build procurement process is likely to save money or result in faster project completion than if the City used a procurement process involving its normal competitive bidding process.**
 - (2) Authorizing the Public Works Director to issue addenda during the Request for Proposals process to make revisions to the Request for Proposals that are consistent with the scope and selection criteria as approved by Council.**

CEQA: Resolutions No. 67380 and 71451, PP 06-022. (Airport/Public Works/City Manager's Office)

Resolution No. 73090 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of actions related to the Commercial Solid Waste Collection System Program Redesign.

Recommendation:

- (a) Acceptance of staff report regarding the status and issues concerning the City's Commercial Solid Waste Collection System.
- (b) Approval of Phase I policy direction regarding minor improvements to the system and direct staff to return with recommended actions for implementation.
- (c) Direction to staff to investigate Phase II concepts regarding the creation of an exclusive "Clean & Green Downtown" collection district, and return with information and recommendations regarding actions for implementation.

CEQA: Negative Declaration, PP92-11-308. (Environmental Services)

Approved, with Staff directed to bring back:

- (1) **Incentives and/or fines to ensure that bins are kept clean.**
- (2) **A procedure to withdraw franchise agreements from haulers who do not respond to customer complaints.**
- (3) **A systematic or graduated method to take corrective action when haulers fail to perform.**

7.2 Approval to amend agreements related to transferring one million gallons of waste water capacity.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute amendments to agreements among cities of San Jose, Santa Clara, Milpitas and West Valley Sanitation District to reflect the transfer of one million gallons of wastewater capacity in the San Jose/Santa Clara Water Pollution Plant from West Valley Sanitation District to the City Of Milpitas. CEQA: Not a Project. (Environmental Services)

(Deferred from 2/28/06 – Item 7.2)

Action deferred to 3/14/06, with Staff directed to provide a supplemental memorandum outlining why the extra capacity is not needed by the City of San José.

8. PUBLIC SAFETY SERVICES

8.1 Acceptance of the Annual Review of the impact of Card Room Gambling on Crime.

Recommendation: Acceptance of the report related to the impact of card room gambling on crime in the City of San José for the period July 1, 2004 to June 30, 2005. CEQA: Not a Project. (Police)

Deferred to 3/14/06.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened to consider Item 9.1 and 9.2 in a Joint Session.

9.1 Approval of the Quarterly Status Report on the CIP and SNI Projects.

Recommendation: Acceptance of the Quarterly Report on the Citywide Capital Improvement Program (CIP) including Parks, Library, and Public Safety Bond Projects, Strong Neighborhoods Initiative (SNI) Projects, and Redevelopment Agency funded projects. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)
(Deferred from 2/28/06 – Item 9.1)

Report Accepted.

9.2 Initial discussion of the Mayor's March Budget Message.

Recommendation: Initial discussion of the Mayor's March Budget Message. (Mayor)
(Rules Committee referral 2/22/06)

Council discussion and input provided.

The Joint Council/Redevelopment Board portion of the meeting was adjourned.

- **Closed Session Report**
No Report.
- **Notice of City Engineer's Pending Decision on Final Maps**
None.

- Notice of City Engineer's Award of Construction Projects

On October 25, 2005, City Council approved a one year pilot program that delegated authority to the Director of Public Works to award or reject bids on construction projects where the base contract amount is below \$1,000,000. In accordance with this policy, the following is a list of projects that were awarded or rejected by the Director of Public Works in February 2006

AWARD:

<u>Project Name</u>	<u>Council District</u>	<u>Contractor</u>	<u>Contract Award Amount</u>	<u>Award Date</u>
Traffic Signal Modification at Booksin Avenue and Curtner Avenue	6	Beltramo Electric Inc.	\$179,320	2/27/06

- Open Forum
None.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

No General Plan Public Hearings at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at **7:10 p.m.**)

11.1 Public Hearings on Consent Calendar.

None.

11. PUBLIC HEARINGS

11.2 Rezoning the real property located at/on the west side of South Winchester Boulevard.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the west side of South Winchester Boulevard, approximately 550 feet southerly of Stevens Creek Boulevard (369 Winchester Boulevard) (Dennee Glenford V Jr., Trustee, Owner; John Mackay, Developer) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 4,681 square feet for retail commercial uses and a public eating establishment with drive-thru uses on a 0.64 gross acre site. CEQA: Exempt.

PDC05-077 - District 1

(Deferred from 2/7/06 – Item 11.4)

Continued to 4/4/06.

11.3 Rezoning the real property located on the southwest corner of Capitol Avenue and Mabury Road.

Recommendation: Consideration of an ordinance rezoning the real property located on the southwest corner of Capitol Avenue and Mabury Road (781 N. Capitol Ave) (Messina Richard V. Messina Richard V Trustee & et al., Owner) from Unincorporated County to A(PD) Planned Development Zoning District to allow up to 199 single-family attached residential units and two existing single-family detached residence on a 10.5 gross acre site. CEQA: Mitigated Negative Declaration.

PDC05-060 - District 4

(Deferred from 2/7/06 – Item 11.7)

Continued to 3/21/06.

11. PUBLIC HEARINGS

11.4 Rezoning the real property located on the north side of Villa Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the north side of Villa Avenue, 150 feet easterly of Myrtle Street (969 Villa Avenue) (Helweh Sahel, et al., Owner; LG Developers, LP, Developer) from R-M Multiple Family Residence District to A(PD) Planned Development Zoning District to allow the demolition of an existing single-family detached residence and construction of up to four single-family detached residences on a 0.37 gross acre site. CEQA: Mitigated Negative Declaration.

PDC05-026 - District 6

(Deferred from 2/7/06 – Item 11.9)

Ordinance No. 27668 passed for publication with the following conditions:

- (1) **Trees removed shall be mitigated by the planting of 20 trees.**
- (2) **The English Walnut tree removed shall be mitigated by the planting of two walnut trees in Guadalupe River Park Heritage Gardens.**

11.5 Rezoning the real property located on the west side of McCreery Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of McCreery Avenue approximately 230 feet southerly of Alum Rock Avenue (1884 Alum Rock Avenue) (Dry Heron Development LLC, Owner) from A(PD) Planned Development to A(PD) Planned Development to increase the allowed number of single-family attached residences from 75 to 78 and modify development standards on a 1.44 gross acre site. CEQA: Negative Declaration.

PDC04-088 - District 5

Continued to 3/21/06 per Orders of the Day.

11.6 Rezoning the real property located on the south side of Taylor Street.

Recommendation: Consideration of an ordinance rezoning the real property located on the south side of Taylor Street approximately 230 feet easterly of Elm Street (846 W. Taylor Street) (Kim Chong Kil et al., Owner/Developer) from R-2 Two Family Residential Zoning District to A(PD) Planned Development Zoning District to allow four single-family detached residences on a 0.37 gross acre site. CEQA: Mitigated Negative Declaration.

PDC05-073 - District 6

Ordinance No. 27669 passed for publication.

11. PUBLIC HEARINGS

11.7 Rezoning the real property located at the southeast corner of Southwest Expressway and Fruitdale Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located at the southeast corner of Southwest Expressway and Fruitdale Avenue (John T. Vidovich, et al., Owner) from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to increase the number of attached residential units from 500 to 502, to eliminate 250,000 square feet of commercial (office and retail) to reduce the maximum amount of retail from 30,000 square feet to 29,225 square feet and to modify the development standards for a 12.7 acre site.

PDC05-095 - District 6

Continued to 4/18/06.

11.8 Rezoning the real property located on the west side of Pomona Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of Pomona Avenue, approximately 140 feet southerly of Alma Avenue from CP Commercial Pedestrian Zoning District to R-1-8 Single-Family Residential Zoning District to allow one single-family detached residence use on a 0.16 gross acre site (1425 Pomona Avenue) (Armando T. and Cristina L. Silva, Owners). No Planning Commission Required. SNI: Washington. CEQA: EIR Resolution 65459.

C05-119 - District 7

Ordinance No. 27670 passed for publication.

11.9 Rezoning the real property located at/on the west side of Flint Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the west side of Flint Avenue, approximately 130 feet northerly of Peanut Brittle Drive (2827 Flint Avenue) (East Valley Baptist Church, Owner; Cell Site Associates, LLC, Jay Thomas, Developer) from A Agriculture Zoning District to R-1-8 Residential Zoning District on a 3.61 gross acre site. No Planning Commission Required. CEQA: Resolution No. 65459.

C05-087 - District 8

Ordinance No. 27671 passed for publication.

11. PUBLIC HEARINGS

11.10 Rezoning the real property located on the southeast corner of New Jersey Avenue and Harris Avenue.

Recommendation: Consideration of an ordinance rezoning the real property located on the southeast corner of New Jersey Avenue and Harris Avenue (2412 New Jersey Avenue) (Zaknich, Anthony J. Trustee, & et al., Owner: The Cullen Group, Developer) from R-1-8 Residence District to the A(PD) Planned Development Zoning District to allow six single-family detached residences on a 0.74 gross acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Mitigated Negative Declaration.

PDC05-093 - District 9

Continued to 3/21/06 per Orders of the Day.

11.11 Development on the real property located on the northwest corner of Broadacres and Skyfarm Drives.

Recommendation: Consideration of the following development proposals in connection with the real property located on the northwest corner of Broadacres and Skyfarm Drives (6664 Broadacres Drive) on a 0.82 gross acre site (SummerHill Homes, Elaine Breeze, Owner). CEQA: Exempt.

- (a) PDC05-118 – Consideration of an ordinance rezoning the property from Planned Development Conforming Rezoning to A(PD) Planned Development Zoning District to allow 5 single-family detached residential units on five existing lots, and a reduction in the minimum front setback from 20 feet to 18 feet.
- (b) PD05-091 – Adoption of a resolution approving a Planned Development Permit to allow construction of up to 5 single-family detached residential units. No Planning Commission required.

District 10

Continued to 3/21/06.

11.12 Amending Title 20 of the San José Municipal Code, the Zoning Code.

Recommendation: Consideration of an ordinance amending Title 20 of the San José Municipal Code, the Zoning Code, to further define and differentiate types of office uses, to set minimum sizes for industrial and commercial condominiums and to make other clarifying changes, including changes to Section 20.40.100 of Chapter 20.40, Section 20.50.100 of Chapter 20.50, Section 20.70.100 of Chapter 20.70 and Chapters 20.175 and 20.200 of the Zoning Code; and to make non-substantive clarifying changes to Section 20.30.100 of Chapter 20.30 of the Zoning Code.

PP06-012 - Citywide

Continued to 3/21/06.

- **Open Forum**
 - (1) **William Garbett suggested changing back the names of the Council Committees.**
 - (2) **Mark Trout voiced his own religious views.**
 - (3) **Robert Apgar, Jr. expressed personal observations.**

- **Adjournment**

The Council of the City of San José adjourned at 9:10 p.m.